



**HELEN F. DALTON & ASSOCIATES, P.C.**  
ATTORNEYS AT LAW

---

80-02 Kew Gardens Road, Suite 601, Kew Gardens, NY 11415

August 16, 2023

**Via ECF:**

The Honorable Stewart D. Aaron, U.S.M.J.  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl St.  
New York, NY 10007

Re: **Santos v. 27 Pizza Cafe Corp., et al**  
Civil Docket No.: 22-cv-01114 (JPC) (SDA)

Dear Judge Aaron:

We represent the Plaintiff in this FLSA action, and we respectfully submit this letter motion, to respectfully request that the Court issue an Order staying this action in its entirety for thirty (30) days, and to apprise the Court as to how Plaintiff intends to proceed in this action.

As Your Honor directed on May 22, 2023, “[i]n view of Defendant Hassan Ebraheim’s bankruptcy petition, this action is automatically stayed as to him, pursuant to 11 U.S.C. § 362.” *See* Dkt. No. 46.

On August 2, 2023, request an extension of time for Plaintiff to file his supplemental declaration attaching an amended damages calculation in support of his motion for default judgment against Defendant 27 Pizza Café Corp. (“Corporate Defendant”). *See* Dkt. No. 59.

In doing so, we apprised, inter alia, that: “the reason for the delay in filing these submissions is that we have been unable to reach the Plaintiff to schedule a meeting and prepare the necessary affidavit and other required documents. We have made numerous attempts to contact the Plaintiff to come to our office regarding these supplemental submissions but we have not received any response and currently Plaintiff’s phone number is disconnected. We are working on alternative methods for trying to contact and locate him.” *Id.*

We apprised that: “in the event that we are unable to reestablish contact with our client within the next two weeks, we anticipate requesting a brief stay of this matter to see if the Plaintiff can be located. Our office has dedicated a lot of work into this motion, the prior motion as well as settlement efforts through the mediation program and we would respectfully request an opportunity to try to locate the client before any further steps.” *Id.*

Despite our numerous good faith diligent efforts at re-establishing communication with the Plaintiff, we have been unable to do so. As such, we respectfully request that the Court issue

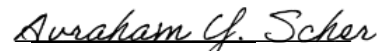
an Order staying this action in its entirety for thirty (30) days, to afford Plaintiff an additional opportunity to do so.

After 30 days, we intend to file either 1. Plaintiff to file his supplemental declaration attaching an amended damages calculation in support of his motion for default judgment against Defendant 27 Pizza Café Corp.; or 2. a notice of voluntary dismissal without prejudice.

In the event we are able to do so, and Plaintiff submits a supplemental declaration and amended damages calculation, we intend to appear on Plaintiff's behalf at the default judgment hearing, currently scheduled for September 12, 2023, at 2:00 p.m. via telephone.

We thank The Court for its kind consideration on this matter, and we remain available to provide any additional information.

Respectfully submitted,

  
Avraham Y. Scher, Esq.

The request is granted. Plaintiff's deadline to submit a supplemental declaration in support of his motion for default judgment is adjourned to September 15, 2023. 27 Pizza Cafe Corp.'s deadline to oppose the supplemental declaration is adjourned to September 22, 2023, and the default judgment hearing currently scheduled for September 12, 2023, is adjourned to October 17, 2023, at 3:00 p.m. via telephone. At the scheduled time, counsel for all parties should call 866-434-5269, access code 9176261.

In the event that counsel submits a notice of voluntary dismissal on September 15 instead of a supplemental declaration, counsel shall also file a declaration stating that (1) he has, to the best of his abilities, attempted to inform his client that he is voluntarily dismissing this action; and (2) that the parties have not reached a settlement agreement requiring the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

Plaintiff shall serve 27 Pizza Cafe Corp. with a copy of this order at the addresses to which he directed service of his default judgment motion. The Clerk of Court is respectfully directed to close Docket Number 61.

SO ORDERED.

August 17, 2023  
New York, New York

  
JOHN P. CRONAN  
United States District Judge